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capacity as Chancellor of the California Community
Colleges*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

DAYMON JOHNSON,

Plaintiff,

v.

STEVE WATKIN, et al.,

Defendants.

1:23-cv-00848-ADA-CDB

**DEFENDANT SONYA CHRISTIAN'S
NOTICE OF MOTION AND MOTION
TO DISMISS [Fed. R. Civ. Pro 12(b)]**

Date: November 13, 2023
Time: 1:30 p.m.
Courtroom: 1
Judge: The Honorable Ana I. de Alba
Trial Date: Not Scheduled
Action Filed: June 1, 2023

TO ALL PARTIES AND THEIR COUNSEL:

PLEASE TAKE NOTICE that on November 13, 2023, at 1:30 p.m., or as soon thereafter as the matter may be heard in Courtroom 1 of the above-entitled court, located at the Robert E. Coyle United States Courthouse, 2500 Tulare Street, 8th Floor, Fresno, CA 93721, Defendant Sonya Christian, in her official capacity as Chancellor of the California Community Colleges, will and hereby does move this Court to dismiss Plaintiff Daymon Johnson's First Amended Complaint for Declaratory and Injunctive Relief. (ECF 8.) This motion to dismiss is made under

1 Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) on the grounds that the First Amended
2 Complaint fails to state a claim upon which relief can be granted. Plaintiff lacks standing to
3 assert his First Amendment claims against Chancellor Christian because the state regulations he
4 challenges neither apply directly to him nor create any imminent risk that Chancellor Christian or
5 the California Community Colleges will harm Johnson. And Plaintiff's First Amended
6 Complaint fails to state a plausible claim for relief against Chancellor Christian.

7 This motion is based on this Notice of Motion and Motion, the attached Memorandum of
8 Points and Authorities, the supporting Declaration of Jay C. Russell, the papers and pleadings on
9 file, and upon such matters that may be submitted at the hearing.

10 Dated: October 2, 2023

Respectfully submitted,

11 ROB BONTA
12 Attorney General of California
13 ANYA M. BINSACCA
14 Supervising Deputy Attorney General

15 /s/ Jay C. Russell
16 JAY C. RUSSELL
17 JANE E. REILLEY
18 Deputy Attorneys General
19 *Attorneys for Sonya Christian, in her official*
20 *capacity as Chancellor of the California*
21 *Community Colleges*

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CERTIFICATE OF SERVICE

Case Name: ***Johnson, Daymon v. Watkin,
Steve, et al.***

Case No. **1:23-cv-00848-ADA-CDB**

I hereby certify that on October 3, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- 1. DEFENDANT SONYA CHRISTIAN'S NOTICE OF MOTION AND MOTION TO DISMISS [Fed. R. Civ. Pro 12(b)]**
- 2. DEFENDANT SONYA CHRISTIAN'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT**
- 3. DECLARATION OF JAY C. RUSSELL IN SUPPORT OF DEFENDANT SONYA CHRISTIAN'S MOTION TO DISMISS**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on October 3, 2023, at San Francisco, California.

M. Mendiola
Declarant


Signature